

### **REMARKS**

This responds to the Office Action mailed on June 23, 2008. Claims 1, 2, and 8 are amended. Claims 12-20 are added. No claims are canceled. As a result, claims 1-20 are now pending in this patent application.

Applicant respectfully submits that the amendments to the claims are fully supported by the specification and no new matter has been added. Support for the amendments and additions to the claims can be found throughout the specification. Applicant hereby respectfully requests further examination and reconsideration of the application in view of the following remarks.

#### **§102 Rejection of the Claims**

Claims 1-4 and 6-8 were rejected under 35 U.S.C. § 102(b) for anticipation by Minuth (U.S. Patent No. 5,665,599). In view of at least the foregoing amendment and the following remarks, Applicant respectfully traverses this rejection.

Applicant cannot find in Minuth each and every recitation in claims 1-4 and 6-8. For instance, Applicant cannot find in Minuth “a membrane plate with a light-transmissive membrane serving to accommodate at least one cell culture”, as recited in amended claim 1.

The Office Action at page 3 contends that “Minuth discloses a chamber for cultivating cells that includes a cell carrier (17) or membrane plate”. However, the Office Action does not cite to a feature of Minuth for the membrane of claim 1 itself. Even assuming that the Office Action intended to cite to the cell carrier for the recited membrane, Applicant submits that Minuth does not appear to include any description directed to the cell carrier of Minuth being a membrane or being light-transmissive. While other features of Minuth are described as potentially being membranes (*see*, for example, Minuth col. 3, lines 43-46, stating that “the disks 13 and 13a can be membranes . . .”), Minuth makes no such statements regarding the cell carrier 17. Moreover, Minuth apparently includes no description related to the cell carrier being light-transmissive. As such, Applicant submits that Minuth lacks a light-transmissive membrane, as recited in amended claim 1.

Additionally, with respect to claim 2, Applicant cannot find in Minuth “the first transparent glass pane abuts an underside of the membrane”, as recited in amended claim 2. Referring to Fig. 2 of Minuth, it appears that the cell carrier 17 is separated from the disk 13 by a

distance at least equal to the thickness of seal 15 and that cell carrier 17 does not actually abut the disk 13. As such, Applicant submits that Minuth lacks a first transparent glass pane that abuts an underside of the membrane, as recited in amended claim 2.

Dependent claims 2-4 and 6-8 depend from and incorporate the features of independent claim 1. For reasons analogous to those stated above with respect to claim 1, claims 2-4 and 6-8 are accordingly believed to be patentable. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable.

For at least these reasons, Applicant submits that claims 1-4 and 6-8 are allowable over Minuth and respectfully requests reconsideration and withdrawal of this rejection.

#### §103 Rejection of the Claims

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Minuth in view of Shanks (U.S. Patent No. 4,810,658). Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Minuth in view of Loeffler et al. (U.S. Patent No. 6,673,620). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Minuth in view of McGarry et al. (U.S. Patent Application Publication No. 2003/0190744). Applicant respectfully submits that obviousness does not presently exist because the references, in combination with the reasoning of the Office Action, do not appear to fully encompass the subject matter of claims 5 and 9-11.

Claims 5 and 9-11 depend from and incorporate the features of independent claim 1. Therefore, Applicant submits that claims 5 and 9-11 are patentable over the references, in combination with the reasoning set forth in the Office Action, based upon at least their dependence from claim 1, which is believed to be in condition for allowance for at least the reasons stated above.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 5 and 9-11.

New Claims

Applicant has added new claims 12-20 to the present application. Applicant submits that new claims 12-20 distinguish over the art of record and, therefore, are in condition for allowance.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3275 to facilitate prosecution of this application.

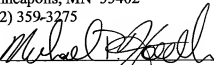
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Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 359-3275

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By

  
Michael P. Horyath  
Reg. No. 57,235

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24<sup>th</sup> day of November 2008.

PATRICIA A. HULTMAN

Name

  
Signature